

ORIGINAL

FILED
DISTRICT COURT OF GUAM

APR - 7 2006

MARY L.M. MORAN
CLERK OF COURT

LEONGUERRERO_M.gar6

LEONARDO M. RAPADAS

United States Attorney

MARIVIC P. DAVID

Assistant U.S. Attorney

Sirena Plaza, Suite 500

108 Hernan Cortez Avenue

Hagåtña, Guam 96910-5059

TEL: (671) 472-7332

FAX: (671) 472-7215

Attorney's for United States of America

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MELVIN LEON GUERRERO,

Defendant,

PRIMOS HEAVY EQUIPMENT,

Garnishee.

CRIMINAL CASE NO. 97-00026

**NOTICE TO DEFENDANT-
JUDGMENT DEBTOR ON HOW
TO CLAIM EXEMPTIONS**

NOTICE TO DEFENDANT-JUDGMENT DEBTOR

ON HOW TO CLAIM EXEMPTIONS FOR GUAM

The attached pre-judgment or post-judgment process has been issued on request of the United States of America.

The law provides that certain property and wages cannot be taken. Such property is said to be exempted. This Notice lists the exemptions under federal law and your territory law. There is no exemption solely because you are having difficulty paying your debts.

//

//

1 If you claim an exemption, you should (i) fill out the claim for exemption form and (ii)
2 deliver or mail the form to the clerk's office of this court and counsel for the United States. You
3 have a right to a hearing within five business days, or as soon as practicable, from the date you
4 file your claim with the court.

5 If the United States of America as creditor is asking that your wages be withheld, the
6 method of computing the amount of wages which are exempt from garnishment by law is
7 indicated on the Claim for Exemption Form which is attached. You do not need to file a claim
8 for exemption to receive this exemption, but if you believe the wrong amount is being withheld,
9 you may file a claim for exemption.

10 On the day of the hearing, you should come to court ready to explain why your property is
11 exempted, and you should bring any documents which may help you prove your case. If you do
12 not come to court at the designated time and prove that your property is exempt, you may lose
13 some of your rights.

14 It may be helpful to you to seek the advice of an attorney in this matter.

15 DATED this 30th day of March, 2006.

17 LEONARDO M. RAPADAS
18 United States Attorney
19 Districts of Guam and the NMI

20 By:

21 
MARIVIC P. DAVID
22 Assistant U.S. Attorney
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF GUAM

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
MELVIN LEON GUERRERO,)
)
Defendant,)
)
_____)
PRIMOS HEAVY EQUIPMENT,)
)
Garnishee.)
_____)

CRIMINAL CASE NO. 97-00026

CLAIM FOR EXEMPTION FORM

CLAIM FOR EXEMPTION FORM

MAJOR EXEMPTIONS UNDER FEDERAL LAW

I claim that the exemption(s) from garnishment which are checked below apply in this case:

- ___ 1. Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
___ 2. Veterans benefits (38 U.S.C. § 3101).
___ 2a. Members of armed services (10 U.S.C. § 1440, 38 U.S.C. § 562).
___ 3. Federal Civil Service Retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
___ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
___ 5. Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
___ 6. Black lung benefits (30 U.S.C. §§ 931(b)(2)(F) and 932(a)).
___ 6a. Seaman's master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 1108-1109(a-c)).

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- ___ 6b. Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 231(m), 352(e)).

___ 7. **Bankruptcy Code** (Title 11, United States Code) which generally provides exemptions for:

___ 7a. \$18,450.00 of equity in a residence.

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

___ 7b. \$2,950.00 of equity in a motor vehicle.

Property Claimed: _____
Fair market Value \$ _____

___ 7c. \$1,225.00 in jewelry.

Property Claimed: _____
Fair market Value \$ _____

___ 7d. \$9,850.00 in personal property. (However, no single item worth more than \$475.00 can be claimed as exempt.)

Property Claimed: _____
Fair market Value \$ _____

___ 7e. Property totalling up to \$975.00, plus up to \$9,250.00 of any unused amount of the exemption provided in number 7(a) above.

Property Claimed: _____
Fair market Value \$ _____

___ 7f. \$1,850.00 of equity in professional books, implements or tools, your trade or you dependent's trade.

Property Claimed: _____
Fair market Value \$ _____

___ 7g. Any unmaturred life insurance contract you own, other than credit life insurance.

Property Claimed: _____
Fair market Value \$ _____

___ 7h. The aggregate value, up to \$9,850.00, of any accrued dividend or interest under, or loan value of, any unmaturred life insurance contract you own, but only if you are the insured or you are a dependant of the insured.

Property Claimed: _____
Fair market Value \$ _____

___ 7i. Professionally prescribed health aids for you or your dependants.

Property Claimed: _____
Fair market Value \$ _____

___ 7j. Unemployment compensation benefits, local public assistance benefits, disability benefits, illness benefits; and alimony, support and separate maintenance, to the extent these items are reasonably necessary for your support or the support of your dependants.

Property Claimed: _____
Fair market Value \$ _____

___ 7k. A payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for your support or the support of your dependants, subject to the limitations set forth at Title 11 United States Code Section 522(d)(10)(E)(i)-(iii).

Property Claimed: _____
Fair market Value \$ _____

___ 7l. Your right to receive, or property that is traceable to,
- an award under a crime victim's reparation law;
- a payment on account of the wrongful death of an individual of whom you were a dependant, but only to the extent of reasonably necessary for your support or the support of your dependants;
- a payment under a life insurance contract that the insured an individual of whom you were a dependant on the date of the insured's death, but only to the extent reasonably necessary for your support or the support of your dependants;
- a payment, not to exceed \$18,450.00, on account of personal bodily injury suffered by you or by an individual of whom you are a dependant; however, payment for pain and suffering or payment to compensate actual pecuniary loss are not exempt under this paragraph;
- a payment in compensation of loss of your future earnings or the future earnings of an individual of whom you are, or were, a dependant, but only to the extent reasonably necessary for your support or the support of the your dependants.

Property Claimed: _____
Fair market Value \$ _____

NOTE: If you have selected the Bankruptcy Code exemptions (Line 7 above), you may not also claim the exemptions listed below.

MAJOR EXEMPTIONS UNDER THE TERRITORY OF GUAM

NOTE: If you select the exemptions available under territorial law, the law of the territory or state while you have been domiciled for the greater part of the last 180 days governs your rights.

Relevant Territorial law provisions pursuant to 7 G.C.A. § 21333 allow the following exemptions:

___ 9. **Debtor's Homestead**

<u>Address of Residence</u>	<u>Fair Market Value</u>	<u>Liens</u>	<u>Equity</u>
_____	\$ _____	\$ _____	\$ _____
_____	\$ _____	\$ _____	\$ _____

___ 10. **Personal Property** - Necessary household goods, table and kitchen furniture. Necessary clothing valued at \$50.00 and provision for three months. A fishing boat and net valued at \$50.00. A cow and its calf, two sows and their suckling pigs, fifteen hens and three roosters; and a one month supply of food for each animal. Articles of religious worship valued at \$25.00.

Property Claimed:	Fair Market Value
_____	\$ _____
_____	\$ _____

___ 11. **Trade/Farming Implements** - Farming utensils valued at \$50.00. A beast of burden (e.g., horse, carabao or ox) with one cart together valued at \$150.00 used in the ordinary course of business; also one month supply of food for such beast and grain or vegetables for planting or sowing within six months valued at \$25.00.

Property Claimed:	Fair Market Value
_____	\$ _____
_____	\$ _____

___ 12. **Tools of the Trade** = Professional libraries or lawyers, judges, clergyman, doctors and preachers valued at \$250.00. Necessary tools of mechanic/artisan valued at \$25.00

Amount Claimed: \$ _____

___ 13. **Cemeteries and Burial Funds** - Gravestones

Property Claimed:	Fair Market Value
_____	\$ _____
_____	\$ _____
_____	\$ _____

____ 14. **Wages/Salary** - Necessary earnings of debtor rendered within thirty days next preceding the levy of execution or attachment.

Amount Claimed: \$ _____

____ 15. **Military Equipment** - Arms, uniforms and accouterments for Guam militia.

Property Claimed:

Fair Market Value

_____	\$ _____
_____	\$ _____
_____	\$ _____

____ 16. **Child Support and Separate Maintenance** - Child support money received.

Amount Claimed: \$ _____

____ 17. **Pensions and Retirement Benefits** - Pensions payable by the U. S., Government of Guam, and private retirement plans.

Amount Claimed: \$ _____

The statements made in this claim of entitlement to exemptions and the fair market value of the property designated are made and declared under penalty of perjury that they are true and correct.

Date

Signature of Defendant

Defendant's printed or typed name